

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
JANUARY 16, 2008**

- CALL TO ORDER** A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Rita Hall, Randy Toavs, Marc Pitman, Mike Mower, Gordon Cross, Gene Dziza, and Frank DeKort. Andrew Hagemeyer, Alex Hogle and Jeff Harris represented the Flathead County Planning & Zoning Office.
- There were approximately 22 people in the audience.
- PUBLIC REVIEW** Gordon Cross reviewed the public hearing process.
- APPROVAL OF MINUTES** Dziza made a motion seconded by Toavs to approve the December 12, 2007 meeting minutes.
- The motion was carried by quorum.
- PUBLIC COMMENT**
(not related to agenda items) Gary Krueger, 805 Church Drive, has stood before many Board meetings, workshops, etc. and a common theme proposed to citizens is the Growth Policy is not a regulatory document and neighborhood plans are non regulatory also. He said recently it has become an untrue statement. The County has been misleading the citizens through a process. He handed out information to the Board regarding the recent supreme court ruling. He was recently before the Board for the Riverdale Plan and was told he could keep doing what he was doing because it was non regulatory. It is hard for him to keep farming when he doesn't know what he can and can't do. The Growth Policy that was giving Flathead County a vision for 20 years doesn't give him one month of advice. He said the Board needs to tell the Commissioners there is a problem.
- NORTHFORK NEIGHBORHOOD PLAN** A public hearing to adopt the revisions to the North Fork Neighborhood Plan and to include the North Fork Neighborhood Plan as part of the Flathead County Growth Policy. The Neighborhood Plan revisions need to be in general compliance with the Flathead County Growth Policy and Montana state law.
- STAFF REPORT** Andrew Hagemeyer reviewed the North Fork Neighborhood Plan for the

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Board.

**BOARD
QUESTIONS**

Cross asked about the comments from Glacier Park.

Hagemeier said he received the comments tonight at 5 and put the comments in the Boards packet. He said they are not recommending changes, but picked out certain policies they felt were important. The comments suggested the plan comply with how Glacier Park is managed.

**APPLICANT
PRESENTATION**

John Cole, Chairman of NFLUAC, thanked the Planning Board for their time. In 1987 the North Fork Neighborhood Plan was a volunteer neighborhood plan. He gave the background to how the neighborhood plan came about. They began the revision of the 1987 plan by comparing it to the zoning regulations. They used other neighborhood plans for ideas on the content and format of the plan. Upon adoption of the new Growth Policy, Staff helped revise the plan to comply with the Growth Policy. He said public comment was considered and they mailed information on the neighborhood plan to 450 land owners in the North Fork.

Cross asked if he was confident the majority of land owners were aware of the neighborhood plan.

Cole said every land owners was mailed information on the neighborhood plan.

**PUBLIC
COMMENT**

Jerry Sterns, 635 Moose Creek Road, supported the plan completely. He said the plan contains the input of 100's of landowners. The chairman put a flyer in every mailbox on the North Fork Road. The Plan accurately describes the wishes and concerns of the community.

Ed Hagar, said the Staff has done a fantastic job on the plan. The community has worked diligently on the plan and five years from now the plan can be redone.

Randy Kenyon, 403 7th Ave. West, thanked NFLUAC and Staff for their hard work. He said the plan is simply an affirmation of a previous plan and the current zoning. He feels the zoning has served two purposes, to protected rural nature and land owner's rights.

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Molly Sheppard, 333 Trail Creek Rd, strongly supported adoption of the plan. It is the result of 20 years of effort and census by the North Fork Neighborhood. It reflects values and concerns, and refines values and concerns. The plan provides consistency and coherent support. The North Fork land owners have had abundant chances and opportunities to be involved in the process. She thanked Staff and the Board for their time and effort.

Larry Wilson, 1595 North Fork Road, said the Community has worked on plan for more than 20 years. Every land owner received mailings and they are reformatting the plan, not revising it. It is a product of the community.

Richard Hilder, 104 East 5th Street, urged the Board to recommend approval of the plan. He said it is truly a neighborhood effort.

Pat Cole, 14405 North Fork Road, agreed with everyone's comment before her.

Oliver Thiesre, 80 Bear Drive, said there was a lot of work involved in doing the plan. He asked the Board for their support.

Cecily McNeil, 2969 Rutenach Circle, urged the Board to support the plan. She said it is a community effort and feel the obligation to pass on something unique.

**APPLICANT
REBUTTAL**

None.

**STAFF
REBUTTAL**

Hagemeier said the vast majority of comments were in support of the plan.

**MOTION TO
RECOMMEND
APPROVAL**

DeKort made a motion seconded by Pitman to recommend approval of the North Fork Neighborhood Plan.

**BOARD
DISCUSSION**

Hall said the wording is that the general public is telling private property owners what they can and can't do with their land.

Cross said he understands the concern, but thought the document

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explained the situation further into the plan.

Hall asked if the in holders in the park were included.

Hagemeier said the in holders were involved in the Neighborhood Plan, but not the zoning district.

Mower didn't understand why the in holdings weren't part of the zoning.

Dziza asked about policy 2.7.

Hagemeier said the average tract size is 19 acres.

The Board discussed what would be considered a negative impact for subdivision.

Harris said anything less than 20 acre lots would be considered a negative impact.

Dziza discussed policy 2.1.

Hagemeier said the zoning district had a list of permitted and accessory uses and the phrase was written in the 1987 plan.

Dziza asked who would be monitoring the water.

Hagemeier said the federal government would be monitoring the water quality.

Harris said the Flathead Basin Commission and USGS are doing water testing in the North Fork.

Dziza discussed policy 4.2.

Hagemeier said it is expressing the wishes of the community, and the community thinks the public floating down the North Fork is damaging the water quality. They don't want any more additional permits issues.

Harris said the North Fork is an extremely important amenity. He said it is more of statement/request and wanted to make sure it doesn't exceed the carrying capacity of float trips.

Toavs didn't understand how the Board could go through the whole Growth Policy discussing public accesses to water and then support the North fork Plan that does not allow more public float trip permits.

Hagemeier said commercial float trips are the only things regulated, not the public access.

Cole said it is strictly the commercial access being regulated and the idea came from the 1987 plan. He wasn't sure what the maximum usage was then but thought there were four commercial permits issued for the area.

The Board discussed the commercial access on the North Fork River.

Toavs said the Neighborhood Plan says there are three companies that have commercial permits for the river.

Hall discussed policy 1.2 and 1.3.

Hagemeier said the policies are part of the zoning district. He said they normally don't put definitions in a neighborhood plan. He said staff didn't insert any policies because most of them came from the 1987 plan and 1993 revision. Some of the policies are somewhat suggestive but the plan is a guidance document.

**ROLL CALL TO
APPROVE**

On a roll call vote the motion failed 3-4 with Hall, Toavs, Dziza and Mower dissenting.

**MOTION TO
HOLD A
WORKSHOP**

Dziza made a motion seconded by Mower to hold a workshop on the North Fork Neighborhood Plan on February 6, 2008.

**ROLL CALL TO
HOLD A
WORKSHOP**

On a roll call vote the motion passed unanimously.

**DEER RIDGE/
FPP 07-38**

A request by Scott Santa, on behalf of Merchant Bankers Corporation, for Preliminary Plat approval of Deer Ridge Subdivision, a one lot single-family residential subdivision on 20.02 acres. Lots in the subdivision are proposed to have individual water and septic systems.

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The property is located 10955 U.S. Highway 2 west, in Marion.

Dziza recused himself from the application because the applicant works in the same office he does.

STAFF REPORT

Alex Hogle reviewed Staff Report FPP 07-38 for the Board.

**BOARD
QUESTIONS**

Cross asked why the application wasn't a minor subdivision.

Hogle explained to the Board the process of minor/major subdivisions. He said the property has been divided numerous times through occasional sale. He said there have been more than five divisions from the parent parcel.

**APPLICANT
PRESENTATION**

Narda Wilson, representing applicant, doesn't have an issues with the conditions. She wanted to clarify a couple of points. She said if an internal subdivision road was established it wouldn't change the access. She was confused about the relocation of the easement. The easement already exists and by relocating the property boundary doesn't accomplish anything. She requested the Planning Board delete unique condition 15.

Scott Santa, applicant, said he is half owner of the property. He said the approach has been a difficult thing because it's a approach already on top of a rise. He said the approach has some marginal site distance. He agreed they would remove some fill so there would be 1,000 fet of vision. The County gave AT&T permission to have fiber optics under the highway, so every time dirt is moved it becomes a problem.

**PUBLIC
COMMENT**

None.

**STAFF
REBUTTAL**

Hogle said there are 1'000s of existing single driving approaches onto roads. He discussed the approach.

**APPLICANT
REBUTTAL**

Wilson said the only confusion she has is she thought the applicant was getting a recommendation of approval on the approach. They will comply with anything the Marion Fire Department needs. She asked the Board to approve the subdivision as recommended by staff except condition 15.

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**MOTION TO
ADOPT F.O.F.**

Toavs made a motion, seconded by DeKort to adopt FPP 07-38 as findings of fact.

**BOARD
DISCUSSION**

Pitman asked what Staff was proposing for the road.

Hogle said he is not adverse to the variance request. It is a problem Staff will be running into more. He doesn't want to create precedence for a subdivision to occur on a dirt lane. He explained to the Board what he was proposing for a road on the map.

Cross said there is no guarantee that the owner of lot 1 would be more standard than what exists.

Hogle said that is correct, but there are slope considerations on the parcel. He said Staff reviews what is proposed to them.

Pitman asked if the variance was to make it available for their driveways to come off of the arterial road instead of having an internal subdivision road.

Hogle said yes.

The Board discussed the variance.

Hall said the adjoining land is under subdivision review so there will be more traffic so Staff's concerns aren't very valid.

Santa said he would be willing to build two accesses, but it was only safe to build one.

Hogle discussed how approach permits are attained.

**ROLL CALL TO
ADOPT F.O.F.**

On a roll call vote the motion passed unanimously

**MOTION TO
RECOMMEND**

Toavs made a motion seconded by DeKort to recommend approval of FPP 07-38.

APPROVAL

BOARD DISCUSSION

Toavs wanted the approach permit to be conditioned to comply with the 1000 foot vision.

Hogle said the permit is issued and was a done deal.

MOTION TO AMEND CONDITION 18

Toavs made a motion seconded by Hall to amend condition 18.

ROLL CALL TO AMEND CONDITION 18

On a roll call vote the motion passed unanimously.

ROLL CALL TO RECOMMEND APPROVAL

On a roll call vote the motion passed unanimously.

WHITEFISH HILLS PH 1/ FPP 07-40

A request by David and Patricia Hierl, for Preliminary Plat approval of the Amended Plat of Lot 3, Whitefish Hills Phase 1, a two lot single-family residential subdivision on 40.00 acres. Lots in the subdivision are proposed to have individual water and septic systems. The property is located at 500 Whitefish Hills Drive.

STAFF REPORT

Alex Hogle presented Staff Report FPP 07-40 for the Board.

BOARD QUESTIONS

None.

APPLICANT PRESENTATION

Erica Wirtala, Sands Surveying, was pleased to have a recommendation of approval. She was advised by the Commissioners that if she had any problems with conditions or findings to discuss them at the Planning Board meeting. She said condition 1 is a standard condition but there is no road in the subdivision and wanted the language stricken. She said MDOT doesn't want to be bothered for a one lot permit so she wanted condition 2 removed. She asked that standard language be used for condition 3. Condition 5 references approval of water sewage treatments, but lots over 20 acres in size are exempt from DEQ. She said Whitefish Hills Phase I is an established subdivision so condition 8 will not apply. The Superintendent of

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Schools already reviewed Whitefish Hills and already approved bus stop locations. She wanted to see the findings of fact the warranted no further subdividing under condition 17.

**PUBLIC
COMMENT**

None.

**STAFF
REBUTTAL**

Hogle said the standard conditions speak to certain types of development activities that are not applicable to the proposed subdivision. He said the standard conditions offer consistency to the Board and Commissioners. Not opposed to changing the conditions. There are two reasons that seem very practical and logical for no further sub on the final plat. Comply with zoning regulations and sincere effort to protect wildlife.

**APPLICANT
REBUTTAL**

Wirtala said since there were no comments from DNRC or FWP it is not a wildlife area.

**BOARD
DISCUSSION**

None

**MOTION TO
ADOPT F.O.F.**

Dziza made a motion seconded by Toavs to adopt FPP 07-40 as findings of fact.

**ROLL CALL TO
ADOPT F.O.F.**

On a roll call vote the motion passed unanimously.

**MOTION TO
RECOMMEND
APPROVAL**

Dziza made a motion seconded by Toavs to recommend approval of FPP 07-40 as amended.

**MOTION TO
REMOVE
CONDITION 2,8,9**

Toavs made a motion seconded by DeKort to remove condition 2, 8, & 9.

**ROLL CALL TO
REMOVE
CONDITION 2,8,9**

On a roll call vote the motion passed 6-1 with Mower dissenting.

**MOTION TO
DELETE**

DeKort made a motion seconded by Dziza to delete condition 5.

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CONDITION 5

**ROLL CALL TO
DELETE
CONDITION 5**

On a roll call vote the motion passed 6-1 with Mower dissenting.

**MOTION TO
DELETE
CONDITION 17**

Dziza made a motion seconded by Toavs to delete condition 17.

**ROLL CALL TO
DELETE
CONDITION 17**

On a roll call vote the motion passed unanimously.

**ROLL CALL TO
RECOMMEND
APPROVAL**

On a roll call vote the motion passed 5-2 with Cross and DeKort dissenting.

OLD BUSINESS

Harris discussed the date for the retreat.

Cross would rather change the retreat date make it a subdivision regulation meeting.

Toavs wanted to get the subdivision regulations done and over with.

NEW BUSINESS

None.

ADJOURNMENT

The meeting was adjourned at approximately 10:00 p.m. on a motion by DeKort seconded by Dziza. The next meeting will be held at 6:00 p.m. on January 16, 2008.

Gordon Cross, President

Kayla Kile, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 3/12/08